

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. CLW20064-3-2(II)-2(II)-2

Anticipated Classification
of this application:

Class _____ Subclass _____

Prior application:

Examiner: P. Kulkosky

Art Unit: 1615

Box PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under
37 C.F.R. 1.53(b), of pending prior application Serial No.
09/465,968 filed on December 14, 1999 of Pierre Jean Messier for
STERILISATION DRESSING HAVING AN IODINE/RESIN DISINFECTANT.

1. XXXX Enclosed is a complete copy of the prior
application, including the oath or
declaration as originally filed and an
affidavit or declaration verifying it as a
true copy.
89 pages of Specification
26 pages of Claims
1 page of Abstract of the Disclosure
7 sheets of Drawings (Figs. 1 - 11)
Declaration
Assignment
Information Disclosure Statement
with Form 1449
Request for Interference
2. A verified statement to establish small
entity status under 37 C.F.R. 2.9 and 1.27
 is enclosed was filed in the prior
application and such status is still proper
and desired (37 C.F.R. 1.28(a)).
3. XXXX The filing fee is calculated below.

**CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW AND AMENDED BY
THE PRELIMINARY AMENDMENT**

Basic Fee	Small Entity Large Entity	\$355.00 \$710.00	\$ 710.00
Total claims	6 - 20 =0	x \$11.00 x \$22.00	\$0.00
Indep. claims	2 - 3 =0	x \$40.00 x \$80.00	\$0.00

Total fee \$ 710.00

4. xxxx The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 06-0308. A duplicate copy of this sheet is enclosed.
5. xxxx A check in the amount of \$710.00 is enclosed.
6. xxxx Cancel in this application original claims 2-152 of the prior application before calculating the fee. (At least one original independent claim must be retained for filing purposes.)
7. Amend the specification by inserting before the first line the sentence:
8. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of base issue fee.)
9. New formal drawings are enclosed.
10. Priority of application serial no. _____, filed on _____ in _____ is claimed under 35 U.S.C. §119.
 The certified copy has been filed in prior application serial no. _____, filed _____.
11. The prior application is assigned of record to _____.
12. xxxx The power of attorney in the prior application is to Timothy E. Nauman, Reg. No. 32,283, located at FAY, SHARPE, FAGAN, MINNICH & MCKEE, 1100 Superior Avenue, Seventh Floor, Cleveland, OH 44114-2518.
- a. xxxx The power appears in the original papers in the prior application.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS

c. XXXX Address all future communications to

Timothy E. Nauman
Fay, Sharpe, Beall, Fagan, Minnich & McKee
1100 Superior Avenue
Suite 700
Cleveland, Ohio 44114-2518

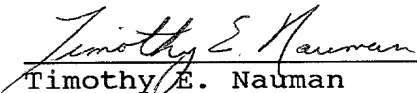
13. XXXX A preliminary amendment is enclosed.
(Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.

14. XXXX I hereby verify that the attached papers are a true copy of prior application serial number 09/465,968 as originally filed on December 14, 1999.

The undersigned declare further that all statements made herein of his or her own knowledge are true and that **all statements made on information and belief are believed to be true**; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: 12 December 2000



Timothy E. Nauman
Reg. No. 32,283
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MINNICH & MCKEE, LLP
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CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label Number EL545792507US

Date of Deposit December 12, 2000

I hereby certify that this communication in connection with this divisional of U.S. Patent Application Serial No. **09/465,968** is being deposited with the United States Postal Service "Express Mail/Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Ben Trella

002426 " 52156 260

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Pierre Jean Messier
FOR : **METHOD FOR DISINFECTING
BODY FLUIDS**
FILED : Herewith
U.S. SERIAL NO. : Divisional of U.S. Serial
No. 09/465,968

PREVIOUS EXAMINER : P. Kulkosky
ATTORNEY DOCKET NO. : CLW 20064-3-2(II)-2(II)-2

Cleveland, Ohio 44114-2518

REQUEST FOR INTERFERENCE UNDER 37 C.F.R. §1.607

Commissioner of Patents
and Trademarks
Washington, DC 20231

Dear Sir:

Applicant requests that an interference be declared between the above identified application and U.S. Patent No. 6,096,216 ("Shanbrom et al.") pursuant to the provisions of 37 C.F.R. §1.607. The Shanbrom et al. '216 patent was issued by the U.S. Patent and Trademark Office on August 1, 2000 (less than one (1) year ago) and is entitled "Iodinated Matrices for Disinfecting Biological Fluids".

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label Number EL545792507US

Date of Deposit December 12, 2000

I hereby certify that this **Request for Interference** in connection with this divisional of U.S. Patent Application Serial No. 09/465,968 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Ben Trella

jc918 U.S. PTO
09/735125
12/12/00

Newly presented claims 153-158 cover the same patentable invention as claims 12-15 of the Shanbrom et al. '852 patent. It is believed that an interference should be declared on the following proposed count:

A method for disinfecting a biological fluid comprising contacting said fluid with an iodinated insoluble anion-exchange matrix material.

Claims 12-15 of the Shanbrom et al. '216 patent (corresponding to claims 153-155 below) along with claims 156-158 of the present application correspond to the proposed count.

The terms of application claims corresponding to the proposed count are supported in Applicant's specification as follows:

Terms in the Claims	Supporting Language in Specification
153. A method for disinfecting a biological fluid comprising contacting said fluid with an iodinated insoluble anion-exchange matrix material to which is complexed greater than 20% to about 70% iodine (by weight).	Page 1, lines 14-20; page 6, line 21 through page 9, line 9; page 13, lines 19-25; page 25, lines 23-27; page 38, lines 9-24; page 39 lines 1-22; page 48, line 19 through page 49, line 16; page 74, line 4 through page 78, line 24; in particular, at page 25, lines 23-27, a strong base anion exchange resin having 25 to 90 (preferably 45 to 65) percent iodination is disclosed.

OFFICE OF THE COMPTROLLER

<p>154. The method of claim 153, wherein said matrix material is iodinated to a concentration of greater than 20% to about 60% iodine (by weight).</p>	<p>Page 1, lines 14-20; page 6, line 21 through page 9, line 9; page 13, lines 19-25; page 25, lines 23-27; page 38, lines 9-24; page 39 lines 1-22; page 48, line 19 through page 49, line 16; page 74, line 4 through page 78, line 24; in particular, at page 25, lines 23-27, a strong base anion exchange resin having 25 to 90 (preferably 45 to 65) percent iodination is disclosed.</p>
<p>155. The method of claim 153, wherein said matrix material is iodinated to a concentration of about 25% to about 50% iodine (by weight).</p>	<p>Page 1, lines 14-20; page 6, line 21 through page 9, line 9; page 13, lines 19-25; page 25, lines 23-27; page 38, lines 9-24; page 39 lines 1-22; page 48, line 19 through page 49, line 16; page 74, line 4 through page 78, line 24; in particular, at page 25, lines 23-27, a strong base anion exchange resin having 25 to 90 (preferably 45 to 65) percent iodination is disclosed.</p>

158. A method for disinfecting a body fluid as defined in claim 156 wherein said iodinated strong base anion exchange resin comprises a strong base anion exchange resin component which represents from 45 to 65 percent by weight of the total weight of the iodinated resin.

Page 1, lines 14-20; page 6, line 21 through page 9, line 9; page 13, lines 19-25; page 25, lines 23-27; page 38, lines 9-24; page 39 lines 1-22; page 48, line 19 through page 49, line 16; page 74, line 4 through page 78, line 24; in particular, at page 25, lines 23-27, a strong base anion exchange resin having 25 to 90 (preferably 45 to 65) percent iodination is disclosed.

An interference is believed to be necessary because the same invention is being claimed in the Shanbrom et al. '216 patent and the present application and priority can not be determined without an interference.

In this regard, the present application is a divisional of application serial number 09/465,968, filed December 14, 1999, which is a divisional of application serial no. 08/803,869 filed on February 24, 1997, which is a divisional of application serial number 08/256,425 filed on July 12, 1994, now U.S. Patent No. 5,639,452, which is a Rule 371 continuation of PCT application serial number PCT/CA93/00378 filed on September 15, 1993, which is a continuation-in-part of application serial no. 08/047,535, filed April 19, 1993 which is a continuation-in-part of application serial number 07/957,307, filed September 16, 1992. Consequently, the effective filing date to which Applicant is at the very least entitled for the subject matter of the copied claims is believed to be September 15, 1993 which is the filing date of the priority PCT document.

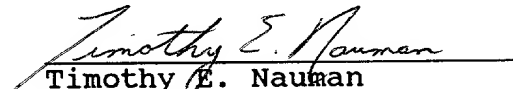
The PCT priority document has a disclosure that is identical to the present application.

Since Applicant's effective filing date is earlier than the effective filing date of the Shanbrom et al. '216 patent, the new cited claims are patentable over the cited reference. Accompanying this Request is a Declaration complying with 37 C.F.R. §1.608.

In view of the above, the declaration of an interference is requested in order that the Applicant may have the opportunity to establish his priority rights.

Respectfully submitted,

FAY, SHARPE, BEALL,
FAGAN, MINNICH & MCKEE


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